

North Belfast Area Working Group

Monday, 30th April, 2018

NORTH BELFAST AREA WORKING GROUP

Members present: Councillor Campbell (Chairperson);
Aldermen Browne, Convery, L. Patterson
and Spence;
Councillors Clarke, Magee, Murphy and Pankhurst.

In attendance: Mr. G. Millar, Director of Property and Projects;
Mrs. R. Crozier, Assistant Director of City and
Neighbourhoods;
Mr. G. Dickson, Policy Analyst; and
Ms E. McGoldrick, Democratic Services Officer.

Apologies

Apologies were reported on behalf of the Lord Mayor, Councillor McAllister and Councillor Corr Johnston.

Minutes

The minutes of the meeting of 20th March were agreed as an accurate record of proceedings.

Declaration of Interest

No declarations of interest were reported.

Decision Tracker

The Working Group noted that the Decision Tracker document had been emailed to Members before the meeting which provided Members with a brief overview of actions since the last meeting held on 20th March.

Presentation – Malgrove Football Club

The Chairperson welcomed to the meeting Mr. B. Boyd and Mr. K. Shields, representing Malgrove Football Club.

Mr. Boyd explained the history of Malgrove Football Club which started as a cross community interest to jointly develop the Malgrove facility by St. Malachians Football Club and Grove United Football Club. He advised that the Club now required a 3G pitch with flood lighting on the Shore Road Playing Fields for a number of teams in the area to use. He pointed out that although previous Council funding had been initially successful, a full project had not been taken forward or completed.

Mr. Shields advised that the current temporary changing facilities were poor and required development and highlighted that the Club wished to develop a youth programme to expand the facility further.

Mr. Boyd suggested that the Working Group should recognise the gap, in relation to the lack of 3G pitches in North Belfast, and recommend that a report be submitted to the People and Communities Committee to explore the construction of a 3G pitch with flood lighting at the Shore Road Playing Fields.

The Chairperson thanked the representatives for their attendance and they retired from the meeting.

The Director highlighted that the Working Group needed to prioritise requests for the Capital Programme as there was demand for pitches from across the city.

The Working Group agreed that a report be submitted to the People and Communities Committee to explore the construction of a 3G pitch with flood lights at the Shore Road Playing Fields as part of the Council's Capital Programme as an emerging project, subject to approval by the Strategic Policy and Resources Committee.

Physical Programme Update

The Director of Property and Projects provided an update on the progress of the Council's Physical Programme which covered projects under a range of funding streams, including the Capital Programme, the Leisure Transformation Programme, Local Investment Fund (LIF), Belfast Investment Fund (BIF), Social Outcome Fund (SOF), Peace IV and the projects that the Council was delivering on behalf of other agencies.

He highlighted that Hillview Boxing Club, which had previously received a principle agreement for £400k under BIF, had advised the Council that they wished to withdraw from the BIF Programme.

After discussion, the Working Group noted the contents of this report, in particular:

- updates on LIF, as outlined in Appendix 1;
- the revised phasing for activities for Brantwood and Loughside FC (NLIF061); and
- the update in relation to Fortwilliam and Macrory Church Hall project (NLIF023).

Cavehill Country Park - Update

(Mr. M. Hamill, Solicitor, attended in connection with this item.)

The Assistant Director provided an outlined of the following report:

“1.0 Purpose of Report or Summary of Main Issues

- 1.1 The purpose of this report is to update Members on issues relating to mountain biking at Cave Hill Country Park and to seek agreement that proactive enforcement of the existing bye law is undertaken, by prohibiting mountain biking, whilst further work is undertaken to explore the options around future management of this issue.**

2.0 Recommendations

- 2.1** Members are asked to agree that it is recommended to the People and Communities Committee that proactive enforcement is undertaken of the existing bye law, by prohibiting mountain biking in Cave Hill Country Park whilst further work is undertaken to explore the options around future management of this issue.

3.0 Main report

- 3.1** Members are reminded that a report was brought to the February 2018 meeting of the People and Communities Committee outlining issues in relation to mountain biking at Cave Hill Country Park and proposals to manage it.

The Committee agreed 'to defer consideration of the report in respect of Mountain Biking at Cave Hill to enable officers to undertake more consultation with the various stakeholders and to attend Party Group Briefings. It was further agreed that the matter be forwarded to the North Area Working Group for consideration, following which, a report would be submitted to a future meeting of the People and Communities Committee'.

3.2 Background

Members may be aware that there has been an issue in relation to mountain biking in Cave Hill Country Park for a number of decades and several reports have been brought to Committee at various points seeking a solution to managing the problem. The timeline of the papers brought to the Members since 2002 is outlined in the report that was brought to the People and Communities Committee in February 2018 and is attached as appendix 1.

- 3.3** Members are reminded that the Council sought expert opinion on this issue in 2008 and this report concluded that the existing path system at Cave Hill could not accommodate sustainable dual use. It recommended that a purpose built facility be developed at Barnett Demesne. Given that this report was produced 10 years ago Officers have commissioned a piece of work to consider the current situation and to provide recommendations on how to manage this issue to ensure the safety of all users of the park. Work on this report is ongoing and we would anticipate that this will be finalised in early summer.

3.4 Engagement with key stakeholders

Members will be aware that there has been ongoing engagement with key stakeholders around this issue and several groups including general users, mountain bikers, Cave Hill Conservation Group and the PSNI are presenting to this meeting. Officers will continue to engage with these key

stakeholders as we continue to seek a solution and manage this issue.

3.5 User survey

Members are reminded that Cave Hill Country Park is a well-used facility. Counters at the main entrances estimate that 250,000 people visited the park annually. The majority of these users are not linked to any formal user group and to get a snap shot of the wider user experience, a user survey was undertaken from 6th April to 15th April 2018. This work was carried out by Perspective Insight and a copy of their report is attached as appendix 2. A summary of the findings will be presented at the Working Group meeting.

3.6 Legal position

Members are reminded that under the Occupiers' Liability Act (NI) 1957 the Council has a duty to take such care as is reasonable to see that the visitor will be reasonably safe for the purposes for which he is permitted to be there.

Furthermore, Belfast City Council cannot disclaim liability for death or personal injury resulting from negligence. This, of course, means that in practice we cannot in any way argue that the mountain bikers carry on this activity at their own risk.

The relevant byelaw is Belfast City Council Byelaw 12(c) for Regulation of Open Parks, which reads:-

'A person shall not ride any bicycle in a manner which is unsafe or likely to cause damage to the park or give reasonable cause for annoyance or alarm to other persons in the park.'

It is Legal Services' view that this mountain biking activity is most probably being carried on in breach of the relevant byelaw. Furthermore, in view of the fact that the Council is knowingly allowing this potentially dangerous activity to continue and without taking reasonable and appropriate measures to try to prevent it, Legal Services is of the view that Belfast City Council would be likely to be held liable in the event of death or serious personal injury occurring to a third party/pedestrian/walker as a result of this unauthorised and unregulated activity in Cave Hill Country Park. The formal permission granted for the holding of a mountain biking event in 2012, coupled with the failure to take all reasonable measures to try to enforce the byelaw and prevent the carrying on of this activity on its property, would in Legal Services' opinion probably give rise to civil liability, particularly since Belfast City Council has been on formal notice since at least Mr Davis' Report in 2008 that the *'site does not allow for sustainable multiple uses by pedestrians and mountain bikers at the same time and conflicts between these users is inevitable.'*

The other issue is the question of whether Belfast City Council would be liable in the event of serious personal injury occurring to one of the mountain bikers themselves. In Legal Services' opinion, in the context of this site it is likely that such liability would also attach.

If Belfast City Council continues to fail to take reasonable and appropriate measures to attempt to enforce its existing byelaw, then in Legal Services' opinion the law would probably take the view that at the very least Belfast City Council is giving tacit approval to this activity and thereby assuming responsibility for the safety of the mountain bikers themselves. This must be seen, in particular, in the context of the permission given for the 2012 Red Bull Fox Hunt event.

The carrying on of mountain biking at this site should be distinguished from the activity being carried on at the designated and regulated site at Mary Peters' Track/Barnett's Demesne. That is a relatively flat site, whereas the anecdotal evidence indicates that the mountain bikers who use Cave Hill Country Park are attracted by the speeds which can be obtained because of the steep gradients at Cave Hill Country Park and, consequently, the greater risk/excitement (and danger) which can be obtained by them.

Given the greater speeds which are attainable at Cave Hill Country Park and, consequently, the greater risks which are posed to the riders themselves, if Belfast City Council were to attempt to evade civil liability in the event of injury to one of the mountain bikers themselves, it would have to have a comprehensive programme in place (which obviously it presently doesn't) for not only the design and construction of a designated trail or trails, but also for their subsequent management, inspection, repair, control and supervision.

Legal Services' advice, therefore, is because of the clear legal risks which attach to this unauthorised and unregulated activity, Belfast City Council should seek to enforce its existing ban pursuant to Byelaw 12(c).

3.7 Proposed next steps

Given the legal and health and safety risks it is proposed that proactive enforcement is undertaken of the existing bye law, prohibiting mountain biking at Cave Hill Country Park whilst further work is undertaken on how this issue can be managed.

It is proposed that ongoing engagement take place with key stakeholders around their issues and possible solutions and that the recommendations from the expert report are considered in terms of risk and costs. All the findings from these pieces of work will be collated and brought to a future meeting of this Working Group for consideration and agreement of a way forward."

The Assistant Director provided an overview of the questionnaire which had been completed by 214 respondents on Cavehill over an eight day period. She highlighted the following survey results as outlined in appendix 2:

- Most prominent Cave Hill Country Park users were Walkers (37%) and Dog walkers (35%). Mountain bikers accounted for 5% of those surveyed;
- Respondents observed the following types of Park users; Dog walkers (80%), Walkers (65%), Runners (48%), Mountain bikers (31%), Tourists (30%) and Wildlife enthusiasts (24%);
- Almost two thirds (64%) used the park frequently whilst 14% were first time users;
- Users reported a generally positive experience when visiting Cave Hill Country Park with a mean score of 8.8 (out of 10);
- The scenery and atmosphere at the park (43%) and the facilities (40%) were most motivating for users;
- The majority of users (92%) said they would be likely to revisit the Park (75% extremely likely, 17% likely); and
- Whilst around a third expressed no changes were needed to enhance their experience, the following was suggested:
 - 18% said the park would benefit from path maintenance;
 - 15% noted that the signage needed updated/refreshed;
 - 14% raised the issue of littering and felt there could be stricter enforcement of park regulations;
 - 12% mentioned a dog related problem, including dog fouling and dogs off their leads;
 - 8% said they would like more facilities/services such as public toilets, seating/picnic areas and refreshments;
 - 5% suggested a ban on Bikers or stricter rules, whilst 4% would like a dedicated space for them; and
 - 3% commented on a perceived lack of parking.

The Assistant Director presented a video which illustrated mountain bikers and walkers using Cavehill.

During Members questions, the Assistant Director advised that she would make the aforementioned report published in 2008 available to the Working Group, and pointed out that officer's had commissioned a further piece of research to provide recommendations on how to manage this issue to ensure the safety of all users of the park which should be finalised in the early summer.

The Working Group agreed that the item would be discussed further, later in the meeting, once the presentations had been received.

Presentations - Cavehill Country Park

Cavehill Regular Users Group

The Chairperson welcomed to the meeting Mr. T. Devine and other representatives of the Cavehill Regular Users Group.

Mr. Devine explained that they had used the Cavehill Country Park for decades and were concerned about the extreme mountain biking that was taking place. He highlighted that it was illegal under the current byelaws and caused damage, annoyance and alarm to other park users.

With permission of the Chairperson, Mr. Devine played a video of Mountain Bike usage of the Cavehill Country Park and highlighted the potential speed to which they might be travelling.

Mr. Devine suggested that the Council would be liable, if anyone was injured by the Mountain Bikers, with the additional risk as they construct their own trails. He suggested that the Park should be a shared space and was a wonderful asset for users and visitors. In relation to a designated trail for the Mountain Bikers, Mr. Devine suggested that this would not work and the Council should ban the Mountain Bikers and enforce the byelaws.

During points of clarification, the representatives suggested that many near misses or accidents were not reported to the Council but they had heard of such incidents from local users. They condemned that use of sabotage in relation to the Bikers trails and suggested that the safety of all users of the park was their objective. They also suggested that some members of the deputation had been inappropriately approached outside of the meeting room by the Mountain Bikers and had also previously experienced intimidation from the Mountain Bikers.

The Chairperson thanked the representative's for their attendance and they retired from the meeting.

The Working Group noted the information which had been provided.

PSNI

The Chairperson welcomed to the meeting Police Constable J. O'Reilly, representing the PSNI.

PC. O'Reilly requested that, after the meeting, he be sent a copy of the Minutes for use in any future civil or criminal matters and any potential inquest that might arise from the issue being debated.

PC. O'Reilly advised that an issue had been investigated in June/July, 2017 in relation to complaints from the Mountain Bikers that trails on Cavehill Country Park had been sabotaged and he had raised this as a safety issue with the Council. He summarised the issue, in that he had received a complaint on 5th June, 2017 in relation to two males sabotaging the paths within the Country Park. He confirmed that video footage of the incident, which identified the two males, had resulted in the prosecution file subsequently being submitted to the Public Prosecution Service.

He advised that during the course of the investigation, one of the Mountain Bikers had divulged that he had potentially reached 30mph whilst biking on Cavehill and that this speed had been confirmed by Strava, the satellite navigation application that tracks running and cycling on the social network for athletes.

He advised that he had also visited the Park and spoken to Council officers on site to assess the layout and potential dangers being faced by the Bikers. He reported that, whilst he was there, a couple of tourists had walked across adapted Biker jumps, which affirmed the potential danger for collisions to occur within the park.

He highlighted that he had researched further the Strava application data and suggested that it was possible that some of the data on Cavehill, previously accessible, had been withdrawn from the online site. However, he had found a trail data on the upper Cavehill which claimed a Biker had reached a speed of 59kmph, which equated to 36.5mph. He expressed concern that if a collision occurred in the future, someone would be seriously hurt and it was a public safety issue.

During points of clarification, PC. O'Reilly confirmed that he had not seen any exchange between users of the Cavehill and the Mountain Bikers outside the meeting room. He suggested that Mountain Bikers should not use the same trails as the general public, and they should have separate trails, if possible. He clarified that evidence obtained in relation to the speed of Mountain Bikers on Cavehill included a signed statement by one of the claimants GPS of 28mph of certain stretches of the trail. He also confirmed that the PSNI patrolled the Cavehill regularly but he had not come across mountain bikers.

The Chairperson thanked PC. O'Reilly for his attendance and he retired from the meeting.

The Working Group noted the information which had been provided.

Cavehill Conservation Campaign

The Chairperson welcomed to the meeting Mr. C. Hamill, Mr. G. Brannigan and Mr. D. McDaniel, representing the Cavehill Conservation Campaign.

Mr. Hamill explained that the Cavehill Conservation Campaign were interested in conserving and preserving the park for all users, however, they had been concerned for many years in regards to the interface between the mountain bikers and the walkers. He suggested that the current uncontrolled access was dangerous and that some sort of separation of trails with signage should be considered but not at the exclusion of the Walkers. He suggested that if that did not work, sanctions could then be considered by the Council. He expressed condemnation for any sabotage that had taken place in relation to the Mountain Bike users.

The Chairperson thanked the representatives for their attendance and they retired from the meeting.

The Working Group noted the information which had been provided.

Cavehill Mountain Bikers

The Chairperson welcomed to the meeting Mr. B. McClure, Mr S. Johnston and Mr. P. Maunton representing the Cavehill Mountain Bikers.

Mr. McClure presented an overview in relation to Mountain Bikers using Cavehill. He highlighted that mountain biking had been taking place on the Cavehill for the last twenty years and it was where many local champions had started their training.

He explained that Mountain Bikers generally used the Park trails, going slowly up the mountain on the gravel paths and then cycling down the mountain through the forests

rough terrain as a challenge. He pointed out that Cavehill Country Park was the only elevated site in the local urban area and believed that a recreational strategy for users should be implemented.

He suggested that signage of rules, access, and Right-of-Ways would help alleviate problems and separate trails for both Walkers and Mountain Bikers would be beneficial. He also suggested that the Mountain Bikers would be prepared to help maintain and monitor their trails.

During points of clarification, representatives confirmed that there were 4/500 regular mountain bikers using Cavehill and they had a wider social media membership. They advised that the speeds of Mountain Bikers, alluded to by other users, were perceptions and there was no evidence to substantiate the risks or injuries outlined in the People and Communities report published in February 2018. They suggested that the Strava application could be manipulated and the speed at which Bikers were going depended on their skill set, however, most only reached 10/12 mph.

They suggested that a compromise was needed to resolve the matter and suggested that those who had blocked the trails should be dealt with by the law. Mr. McClure clarified that he had spoken with some of the users outside of the meeting room, but was not intimidating, however, the Mountain Bikers would be keen to liaise with all users of the park and suggested that further consultation was also needed with the Mountain Bikers.

The Chairperson thanked the representatives for their attendance and they retired from the meeting.

The Working Group noted the information which had been provided.

Cavehill Country Park – Discussion

The Assistant Director reiterated that a report had been commissioned from an independent industry expert to assess the situation and that the outcomes would be submitted for the Council to consider to the Working Group by August. She pointed out, however, that a decision was still required for the interim period to keep users safe.

With permission of the Chairperson, the Assistant Director tabled additional correspondence which had been received, in relation to the People and Communities Report of 6th February regarding Mountain Biking on Cavehill, from Cycling UK.

She referred to point 1. of the tabled correspondence and highlighted that the agenda report outlined the recommendation to the People and Communities Committee that proactive enforcement would be undertaken of the existing byelaw, by prohibiting mountain biking in Cave Hill Country Park whilst further work was undertaken to explore the options around future management of this issue.

During discussion, Members raised the following issues in relation to the officers' recommendation:

- Continued use of Parks in Belfast;
- Civil Liability in the event of an accident in the interim period;
- Safety of the Park users;
- Engagement and compromise of Groups involved;
- Breadth of survey statistics;
- Enforcement of byelaws across Belfast;

- Suspension of byelaws; and
- Time taken to resolve the issue

During further discussion, Members raised the following alternatives to resolve the matter:

- Change or suspension to the current byelaws;
- Signage;
- A designated track(s);
- Engagement with other Council areas for Best Practice ideas; and
- Wider consultation required

After discussion, the Working Group agreed to defer consideration of the report, until further information had been obtained in relation to byelaws and to hold a Special Meeting of the Working Group in May, to consider the item further.

Future Agenda Items

The Working Group noted the following future deputations and agenda items:

- Information sessions on Inner North Belfast Projects;
- Zoo Update;
- Harbour Commissioner Update;
- York Street Interchange Update;
- Quarterly updates from Ulster University regarding its community engagement and programme of building work;
- VOYPIC – Update on Corporation St;
- Iontaobhas Bheann Mhadagáin; and
- Tidal Project 2019/2020.

Chairperson